

FILED

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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

Attorneys for Plaintiff,
United States Department of Labor

UNITED STATES DISTRICT COURT FOR
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

THOMAS E. PEREZ, Secretary of
Labor, UNITED STATES
DEPARTMENT OF LABOR,

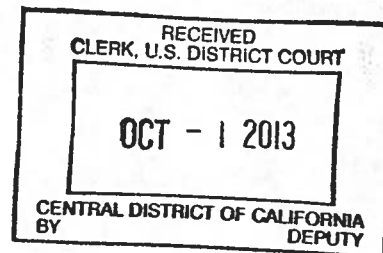
Plaintiff,

v.

TWELVE SIGNS, INC.; RICHARD W.
HOUSMAN; Twelve Signs, Inc.
Pension Plan,

Defendants.

CV 13-7325 DSF (AJWx)



COMPLAINT

Employee Retirement Income Security Act Case

1. This action arises under Title I of the Employee Retirement Income Security Act of 1974 ("ERISA"), as amended, 29 U.S.C. §§ 1001-1191c, and is brought by the Secretary under ERISA §§ 502(a)(2) and (5), 29 U.S.C. §§ 1132(a)(2) and (5), to enjoin acts and practices that violate the provisions of Title I

1 of ERISA, to obtain appropriate equitable relief for breaches of fiduciary duty
2 under ERISA § 409, 29 U.S.C. § 1109, and to obtain such further equitable relief
3 as may be appropriate to redress and to enforce the provisions of Title I of ERISA.

4 Jurisdiction and Venue

5 2. This Court has jurisdiction over this action pursuant to ERISA §
6 502(e)(1), 29 U.S.C. § 1132(e)(1).

7 3. Venue of this action lies in the Central District of California pursuant
8 to ERISA
9 § 502(e)(2), 29 U.S.C. § 1132(e)(2), and in the Los Angeles Division of this Court,
10 because the Twelve Signs, Inc. Pension Plan was administered in Santa Monica,
11 California, Los Angeles County, California, within this district.

12 Parties

13 4. The Twelve Signs, Inc. Pension Plan (the “Plan”) is an employee
14 benefit plan within the meaning of ERISA § 3(3), 29 U.S.C. § 1002(3), which is
15 subject to the provisions of Title I of ERISA pursuant to ERISA § 4(a), 29 U.S.C.
16 § 1003(a).

17 5. At all relevant times, Twelve Signs, Inc. (the “Company”), was and is
18 the sponsor and Plan Administrator of the Plan, a fiduciary of the Plan within the
19 meaning of ERISA §§ 3(21)(A)(i) and (iii), 29 U.S.C. §§ 1002(21)(A)(i) and (iii),
20 and a party in interest to the Plan within the meaning of ERISA §§ 3(14)(A) and
21 (C), 29 U.S.C. §§ 1002(14)(A) and (C).

22 6. At relevant times, Defendant Richard W. Housman (“Housman”) was
23 an officer and owner of the Company.

24 7. At relevant times, Defendant Housman was a named Trustee of the
25 Plan; exercised discretionary authority and control respecting the management and
26 disposition of the Plan and its assets; exercised discretionary authority and
27 responsibility in the administration of the Plan, was and is a fiduciary of the Plan

1 within the meaning of ERISA §§ 3(21)(A)(i) and (iii), 29 U.S.C. §§ 1002(21)(A)(i)
2 and (iii); and was and is a party in interest to the Plan within the meaning of
3 ERISA §§ 3(14)(A), (E) and (H), 29 U.S.C. §§ 1002(14)(A), (E) and (H).

4 8. The Plan is named as a Defendant pursuant to Rule 19(a) of the
5 Federal Rules of Civil Procedure, solely to ensure that complete relief can be
6 granted.

7 Background

8 9. The Plan was established effective May 1, 1978 by the Company to
9 provide benefits to its employees upon retirement.

10 10. The Plan's governing documents, which were adopted by the
11 Company and signed by Defendant Housman identify Defendant Housman as the
12 Plan's sole Trustee.

13 11. The Plan's governing documents identify the Company as the Plan
14 Administrator.

15 12. At relevant times, Defendant Housman had authority over the
16 Company's corporate bank account(s).

17 13. An investigation completed by the Employee Benefits Security
18 Administration ("EBSA") revealed that during the period May 2, 2006, through
19 October 27, 2009, Defendants Housman and the Company caused the Plan to
20 invest in forty-one (41) loans totaling \$496,000 to the Company (collectively the
21 "Plan Loans"). The Plan Loans were memorialized by Promissory Notes, all
22 signed and authorized by Defendant Housman, which provided that the loans
23 would be repaid to the Plan within five (5) years at five percent (5%) interest
24 annum. EBSA's investigation revealed that the Company failed to make any loan
25 repayments to the Plan.
26
27

14. Defendants Housman's and the Company's failure to repay the Plan Loans to the Plan with interest as required by the Promissory Notes resulted in lost-opportunity costs to the Plan in the amount of \$121,839.39 because of these unpaid loans through April 30, 2013. The lost-opportunity costs continue to accrue.

Count I

15. The Secretary restates and realleges paragraphs 1 through 14;

16. The Company and Housman acting in their fiduciary capacities permitted the assets of the Plan to inure to the benefit of the Company, in violation of ERISA § 403(c)(1), 29 U.S.C. § 1103(c)(1);

Count II

17. The Secretary restates and realleges paragraphs 1 through 14;

18. The Company and Housman acting in their fiduciary capacities failed to act solely in the interest of the participants and beneficiaries of the Plan and for the exclusive purpose of providing benefits to participants and their beneficiaries and defraying reasonable expenses of Plan administration, in violation of ERISA § 404(a)(1)(A), 29 U.S.C. § 1104(a)(1)(A);

Count III

19. The Secretary restates and realleges paragraphs 1 through 14;

20. The Company and Housman acting in their fiduciary capacities failed to act with care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims, in violation of ERISA § 404(a)(1)(B), 29 U.S.C. § 1104(a)(1)(B);

Count IV

21. The Secretary restates and realleges paragraphs 1 through 14;

22. The Company and Housman acting in their fiduciary capacities

1 caused the Plan to engage in transactions which they knew or should have known
2 constituted a direct or indirect lending of money or other extension of credit
3 between the Plan and a party in interest, in violation of ERISA § 406(a)(1)(B), 29
4 U.S.C. § 1106(a)(1)(B);

5 Count V

6 23. The Secretary restates and realleges paragraphs 1 through 14;

7 24. The Company and Housman acting in their fiduciary capacities
8 caused the Plan to engage in transactions which they knew or should have known
9 constituted a direct or indirect transfer to, or use by or for the benefit of, a party in
10 interest, of assets of the Plan, in violation of ERISA § 406(a)(1)(D), 29 U.S.C.
11 § 1106(a)(1)(D);

12 Count VI

13 25. The Secretary restates and realleges paragraphs 1 through 14;

14 26. The Company and Housman acting in their fiduciary capacities dealt
15 with assets of the Plan in their own interests and acted on behalf of a party whose
16 interests are adverse to the interests of the Plan or the interests of its participants
17 and beneficiaries, in violation of ERISA §§ 406(b)(1) and (2), 29 U.S.C.
18 § 1106(b)(1) and (2);

19 Count VII

20 27. The Secretary restates and realleges paragraphs 1 through 14;

21 28. The Company and Housman acting in their fiduciary capacities
22 participated knowingly in the breaches of fiduciary duty of other fiduciaries, in
23 violation of ERISA § 405(a)(1), 29 U.S.C. § 1105(a)(1); enabled another fiduciary
24 to commit a breach of ERISA through failure to comply with ERISA § 404(a)(1),
25 in violation of ERISA § 405(a)(2), 29 U.S.C. § 1105(a)(2); and made no
26 reasonable effort under the circumstances to remedy the breaches of another
27 fiduciary of which he had knowledge, in violation of ERISA § 405(a)(3), 29

1 U.S.C. § 1105(a)(3).

2 29. As a direct and proximate result of the breaches of fiduciary duties
3 committed by the Company and Housman, as described in paragraphs 1 through 28
4 above, the Plan has suffered losses, including lost-opportunity costs, for which the
5 Defendants are jointly and severally liable pursuant to ERISA § 409, 29 U.S.C.
6 § 1109.

7 Prayer for Relief

8 WHEREFORE, the Secretary respectfully requests that the Court issue and
9 Order granting relief as follows:

10 A. Ordering the Company and Housman to restore to the Plan any losses,
11 including lost-opportunity costs, resulting from fiduciary breaches committed by
12 them or for which they are liable;

13 B. Permanently enjoining the Company and Housman from violating the
14 provisions of Title I of ERISA;

15 C. Removing the Company and Housman as fiduciaries of the Plan and
16 permanently enjoining Defendant Housman from serving as a fiduciary of, or
17 service provider to, any ERISA-covered employee benefit plan;

18 D. Appointing an Independent Fiduciary to marshal the assets of the
19 Plan, distribute any proceeds which accrue to the Plan, terminate the Plan, if
20 necessary and feasible to do so, and conclude any Plan-related matters connected
21 with the proper termination of the Plan;

22 E. Requiring the Defendants to pay for all costs associated with the
23 appointment and retention of the Independent Fiduciary;

24 F. Requiring the Defendants to cooperate with the Independent
25 Fiduciary;

26 G. Awarding the Secretary the costs of this action;

27 H. Awarding post-judgment interest; and

1 I. Ordering such further relief as is appropriate and just.


2
3 Date: September 30, 2013

Respectfully submitted,

4
5 M. PATRICIA SMITH
Solicitor of Labor

6 JANET M. HEROLD
7 Regional Solicitor

8 DANIELLE L. JABERG
9 Counsel for ERISA

10
11 By: 
12 ROSE DARLING (Cal. Bar # 243893)
Trial Attorney

13 Attorneys for the Secretary
14 United States Department of Labor
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UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**I. (a) PLAINTIFFS** (Check box if you are representing yourself ☐)

THOMAS E. PEREZ, Secretary of Labor, UNITED STATES DEPARTMENT OF LABOR

DEFENDANTS (Check box if you are representing yourself ☐)

TWELVE SIGNS, INC.; RICHARD W. HOUSMAN; Twelve Signs, Inc. Pension Plan

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)ROSE DARLING, Esq.
UNITED STATES DEPARTMENT OF LABOR Office of the Solicitor
90 7th Street, Suite 3-700, San Francisco, California 94103
(415) 625-7744**(b) Attorneys** (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)**II. BASIS OF JURISDICTION** (Place an X in one box only.)

- ☒ 1. U.S. Government Plaintiff
- ☐ 2. U.S. Government Defendant
- ☐ 3. Federal Question (U.S. Government Not a Party)
- ☐ 4. Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES-For Diversity Cases Only
(Place an X in one box for plaintiff and one for defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. ORIGIN (Place an X in one box only.)

- ☒ 1. Original Proceeding
- ☐ 2. Removed from State Court
- ☐ 3. Remanded from Appellate Court
- ☐ 4. Reinstated or Reopened
- ☐ 5. Transferred from Another District (Specify)
- ☐ 6. Multi-District Litigation

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☐ Yes ☒ No (Check "Yes" only if demanded in complaint.)**CLASS ACTION under F.R.Cv.P. 23:** ☐ Yes ☒ No**MONEY DEMANDED IN COMPLAINT:** \$ _____**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
29 U.S.C. §§ 1001-1191c. The Company and Housman acting in their fiduciary capacities failed to act solely in the interest of the participants and beneficiaries of the Plan and for the exclusive purpose of providing benefits to participants and their beneficiaries and defraying reasonable expenses of Plan administration.**VII. NATURE OF SUIT** (Place an X in one box only.)

OTHER STATUTES	CONTRACT	REAL PROPERTY CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS
<input type="checkbox"/> 375 False Claims Act	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 462 Naturalization Application	Habeas Corpus:	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 290 All Other Real Property		<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 140 Negotiable Instrument		TORTS	<input type="checkbox"/> 530 General	
<input type="checkbox"/> 450 Commerce/ICC Rates/Etc.	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	PERSONAL INJURY	PERSONAL PROPERTY	<input type="checkbox"/> 535 Death Penalty	SOCIAL SECURITY
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	Other:	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org.	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.)	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 863 DIWC/DIWW (405 (g))
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 340 Marine	BANKRUPTCY	<input type="checkbox"/> 560 Civil Detainee Conditions of Confinement	<input type="checkbox"/> 865 RSI (405 (g))
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	FORFEITURE/PENALTY	
<input type="checkbox"/> 891 Agricultural Acts	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	FEDERAL TAX SUITS
<input type="checkbox"/> 893 Environmental Matters	REAL PROPERTY	<input type="checkbox"/> 355 Motor Vehicle Product Liability	CIVIL RIGHTS	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 440 Other Civil Rights	LABOR	<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
<input type="checkbox"/> 896 Arbitration	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 710 Fair Labor Standards Act	
<input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 720 Labor/Mgmt. Relations	
<input type="checkbox"/> 950 Constitutionality of State Statutes		<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 740 Railway Labor Act	
		<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 445 American with Disabilities-Employment	<input type="checkbox"/> 751 Family and Medical Leave Act	
			<input type="checkbox"/> 446 American with Disabilities-Other	<input type="checkbox"/> 790 Other Labor Litigation	
			<input type="checkbox"/> 448 Education	<input checked="" type="checkbox"/> 791 Employee Ret. Inc. Security Act	

FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING PAGE 1 OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED ON PAGE 2.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

CIVIL COVER SHEET

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ NO ☐ YES

If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ NO ☐ YES

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
- ☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
- ☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.

☒ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.

☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County	

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose. NOTE: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County	

*Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR SELF-REPRESENTED LITIGANT):

DATE:

9/27/13

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet).

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code Abbreviation

Substantive Statement of Cause of Action

861

HIA

All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))

862

8L

All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)

863

DIWC

All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))

863

DIWW

All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))

864

SSID

All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.

865

RSI

All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))

Rose Darling, Esq.
U.S. Dept. of Labor, Office of the Solicitor
90 7th Street Suite 3-700
San Francisco CA 94103

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

THOMAS E. PEREZ, Secretary of Labor,
UNITED STATES DEPARTMENT OF LABOR,

PLAINTIFF(S)

v.

TWELVE SIGNS, INC.; RICHARD W. HOUSMAN;
Twelve Signs, Inc. Pension Plan,

DEFENDANT(S).

CASE NUMBER

CV 13-7325 DSF(AJWx)

SUMMONS

TO: DEFENDANT(S):

A lawsuit has been filed against you.

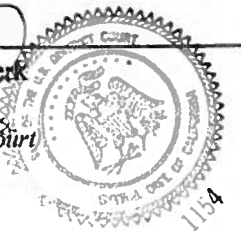
Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Rose Darling, U.S. Dept. of Labor, whose address is Office of the Solicitor, 90 7th St., Suite 3-700, San Francisco CA 94103. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: OCT - 3 2013

By: _____

Deputy Clerk
(Seal of the Court)



[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

Rose Darling, Esq.
 U.S. Dept. of Labor, Office of the Solicitor
 90 7th Street Suite 3-700
 San Francisco CA 94103

**UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA**

THOMAS E. PEREZ, Secretary of Labor,
 UNITED STATES DEPARTMENT OF LABOR,

PLAINTIFF(S)

v.

TWELVE SIGNS, INC.; RICHARD W. HOUSMAN;
 Twelve Signs, Inc. Pension Plan,

DEFENDANT(S).

CASE NUMBER

CV 13-7325 DSF (AJWx)

SUMMONS

TO: DEFENDANT(S):

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Rose Darling, U.S. Dept. of Labor, whose address is Office of the Solicitor, 90 7th St., Suite 3-700, San Francisco CA 94103. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

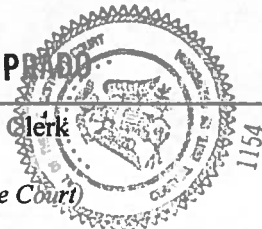
OCT - 3 2013

Clerk, U.S. District Court

Dated: _____

By: JULIE PRADO
 Deputy Clerk

(Seal of the Court)



[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3).]

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT TO UNITED STATES JUDGES

This case has been assigned to District Judge Dale S. Fischer and the assigned Magistrate Judge is Andrew J. Wistrich.

The case number on all documents filed with the Court should read as follows:

2:13CV7325 DSF AJWx

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge.

Clerk, U. S. District Court

October 3, 2013

Date

By J.Prado

Deputy Clerk

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ Western Division
312 N. Spring Street, G-8
Los Angeles, CA 90012

☐ Southern Division
411 West Fourth St., Ste 1053
Santa Ana, CA 92701

☐ Eastern Division
3470 Twelfth Street, Room 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.